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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

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|---------------------------------|---|------------------------------|
| IN THE MATTER OF THE LICENSE OF |) | |
| BRIAN CAMPBELL |) | STIPULATION AND ORDER |
| TO PRACTICE AS A |) | |
| PHARMACY TECHNICIAN |) | CASE NO DOPL 2007-- 119 |
| IN THE STATE OF UTAH |) | |

BRIAN CAMPBELL ("Respondent") and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily
- 3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Board of Pharmacy ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 Respondent admits the following facts are true

- a Respondent is licensed as a pharmacy technician in the State of Utah and is the owner of Rock Canyon Pharmacy in Provo, Utah
- b From on or about August 8, 2006, to on or about January 6, 2007, Rock Canyon Pharmacy engaged in a business relationship with Pitcairn, a prescription order processing company (hereinafter "order processor") Rock Canyon Pharmacy filled prescriptions for the order processor based solely upon an online medical questionnaire filled out by the customer or a toll-free telephone number Respondent failed to adequately determine whether a bona-fide patient-practitioner relationship existed between the physician writing the prescription and the customer receiving the prescription dispensed by Rock Canyon Pharmacy The order processor contracted with several different medical practitioners located throughout the country to prescribe drugs based solely upon the online medical questionnaire or toll-free telephone number
- c From on or about August 8, 2006, to on or about January 6, 2007, Rock Canyon Pharmacy dispensed approximately 18 prescriptions to Utah residents from prescriptions forwarded by the order processor

- d One of the prescriptions dispensed to a Utah resident by Rock Canyon Pharmacy was for Butalbital/APAP/Caffeine, a Schedule III controlled substance, which was never reported to the Utah Controlled Substance Database as required in Utah Code Annotated § 58-37-7 5
- e All of the 18 prescriptions dispensed by Rock Canyon Pharmacy to Utah residents were written by medical practitioners based solely upon online medical questionnaires or toll-free telephone orders. The medical practitioners were not licensed to practice medicine in the State of Utah. Respondent knew or had reason to know that the prescribing practitioners were not licensed to practice medicine in the State of Utah.
- f From on or about August 8, 2006 to on or about January 6, 2007, Rock Canyon Pharmacy dispensed several hundred prescription drugs to residents throughout the United States. Rock Canyon Pharmacy is not licensed in any other state to dispense prescription drugs. Rock Canyon Pharmacy has dispensed prescription drugs to states where it is not licensed, and has dispensed prescription drugs to states that do not recognize prescriptions based solely upon an online medical questionnaire or toll-free telephone number without a bona fide face-to-face consultation between the patient and prescribing medical practitioner.

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (m), Utah Administrative Code R156-17b-502(6) and R156-37-502(2), and unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(f) and § 58-37-7 5(5), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent agrees that an Order, which constitutes disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2), shall be entered in this matter as follows:

- a Respondent's license shall be publicly reprimanded for the above violations.
- b Respondent shall meet with the Board within thirty (30) days of the signing of this Stipulation and Order.
- c Respondent shall successfully complete six (6) additional hours of continuing professional education, focusing on ethics and law, within one year from the effective date of this Stipulation and Order. The six additional hours of

continuing professional education shall not count towards Respondent's regular continuing professional education requirement

- d Respondent shall immediately cease and desist from aiding or abetting in the issuance of any prescription that is based solely upon an online medical questionnaire or toll-free telephone number Further, Respondent shall not enter into any agreement with any company or individual to fill or dispense prescriptions based solely upon an online medical questionnaire or toll-free telephone number and not on a bona-fide patient practitioner relationship

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation

11 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to Respondent's practice as a pharmacy technician

12 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and

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Order Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions

13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction


14 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY 
DIANA BAKER
Bureau Manager

DATE May 33, 2007

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L MITCHELL JONES
Counsel for the Division

DATE 18 May 2007

RESPONDENT

BY 
BRYAN CAMPBELL

DATE 5-14-07

ORDER

THE ABOVE STIPULATION, in the matter of **BRIAN CAMPBELL**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2)(a) and (b). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 25 day of May, 2007

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F. DAVID STANLEY
Director

INVESTIGATOR JARED MEMMOTT